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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/976,053	10/15/2001	Carlos E. Davila	214576US20	1670
22850	7590	08/08/2005	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			KIM, KEVIN	
			ART UNIT	PAPER NUMBER
			2638	

DATE MAILED: 08/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/976,053	Applicant(s) DAVILA, CARLOS E.	
	Examiner Kevin Y. Kim	Art Unit 2638	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed May 3, 2005 have been fully considered but they are not persuasive.

First, the rejection of the claims under 35 USC 112 first paragraph is withdrawn in response to the response. The rejection of the claims under 35 USC 112 second paragraph is maintained but on a different ground as set forth below. The Office action supercede the previous action mailed on July 26, 2005 as a result of applicant's assertion against the finality of the rejection in a telephone interview of August 3, 2005. Upon a careful review of the prosecution history so far, since the rejection of the claims under 35 USC 112 second paragraph is made on a new ground, the finality of the action mailed on July 26, 2005 was determined premature and thus this action in response to the amendment of May 3, 2005 is made non-final.

The discussion during the interview and the argument of the current response helped to understand the present invention better. It has been learned that the present invention does not call for an improved KLT encoding technique as previously understood. The present invention is drawn to a method of encoding a signal frame using KLT transform with a view to overcoming a drawback of the prior art, i.e., the necessity of transmitting the KLT basis vectors as well as the KLT coefficients, which reduces signal compression and requires increased bit rates. See Background of the Invention at page 3, lines 4-10. The present invention achieves this goal by estimating the basis vectors not only at the transmitter but also at the receiver. See Summary of the Invention at page 3, lines 21-29 and the Remarks of May 3, 2005, page 13. Thus, estimating the KLT basis vectors at the receiver is an essential part of the disclosed

Art Unit: 2638

invention. It is the examiner's understanding that this estimation of the KLT vectors at the receiver allows to avoid the necessity of transmitting the KLT basis vectors. Without this critical feature expressly cited in the claims, the claimed invention is reduced to nothing but a destroyed prior art embodiment.

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 112

3. Claims 1-27 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. The omitted elements are: the disclosed specific method of encoding and transmitting the KLT coefficients such that the KLT basis vectors do not have to be transmitted.

Claims 1 and 15 are drawn to a method and apparatus, respectively, for a coding a signal frame using a Karhunen-loeve transform, comprising estimating KLT basis vectors, calculating KLT coefficients and transmitting at least one of the KLT coefficients but not transmitting the KLT basis vectors. However, the specification clearly describes that both KLT coefficients and basis vectors must be transmitted in order to reconstruct the original signal at the receiver according to the prior art. See page 3, lines 4-10. Therefore, the present invention requires a technical feature that allows non-transmission of the KLT basis vectors unlike the prior art. It is understood that that fact that the basis vectors are estimated at both the transmitter and the receiver is what enables the omission of the KLT basis vectors from transmission. Without

Art Unit: 2638

such a critical element, the claims are considered incomplete for omitting essential steps. See MPEP § 2172.01.

Claims 2-14 and 16-27 are rejected for the same reason as dependent on rejected base claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Y. Kim whose telephone number is 571-272-3039. The examiner can normally be reached on 8AM --5PM M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kenneth Venderpuye can be reached on 571-272-3078. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

kvk



KEVIN KIM
PATENT EXAMINER